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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|---------------------------|------------------------------|------------------------|
| 10/828,385 | 04/20/2004 | Gregory Phillip Ruhlander | 011361.00090 | 4815 |
| 22910 7590 06/15/2007 BANNER & WITCOFF, LTD. 28 STATE STREET 28th FLOOR BOSTON, MA 02109-9601 | | | EXAMINER JOHNSON, VICKY A | |
| | | | ART UNIT 3682 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|----------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/828,385 | RUHLANDER, GREGORY PHILLIP | |
| | Examiner | Art Unit | |
| | Vicky A. Johnson | 3682 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the multiple projections and the more than one groove must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In the claims it is unclear if the "a mounting fixture" is positively claimed throughout the claims.

In claim 3 it is unclear if the "an exterior surface" is part of the adjuster assembly or the flexible projection, for this office action the exterior surface will be part of the adjuster assembly.

In claim 14, it is unclear if the "an abutment end" is the same abutment end of claim 1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 13-15, 17, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Pospisil et al (US 5,570,611)

Pospisil et al disclose a terminal connector comprising: an elongate body (26) having a bore (see Fig 2) disposed longitudinally therethrough and an abutment end (see Fig 2), a first arm (32) unitary with and extending from the elongate body in a plane (see Fig 2), having a proximal end and a distal end and comprising a first projection

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from a surface of the first arm (see Fig 2), and a second arm (32) unitary with and extending from the elongate body in a plane (see Fig 2), having a proximal end and a distal end and comprising a second projection from a surface of the second arm (see Fig 2).

Re claim 2, the first arm and the second arm extend from the elongate body in opposite directions approximately perpendicular to the longitudinal axis of the bore (see Fig 2).

Re claims 3 and 18, a retaining member (34) having an exterior surface and extending laterally from the abutment end of the elongate body and an adjuster assembly (30) having an aperture disposed in the abutment end of the elongate body, a flexible projection (28) substantially disposed in the aperture, and an exterior surface substantially flush with the exterior surface of the retaining member (see Fig 1).

Re claim 4, the flexible projection has a beveled interior surface (52).

Re claim 5, the first projection and the second projection are each beveled (see Fig 1).

Re claim 13, the elongate body has a free end opposite the abutment end, and wherein the first arm and the second arm extend from the elongate body at a position between the abutment end and the free end, thereby forming a slot positioned between the arms and the abutment end (see Fig 2).

Re claim 14, the elongate body comprises a free end and wherein the free end comprises an annular projection extending around its perimeter (see Fig 2).

Re claim 15, the first projection and the second projection each is configured to be connected to be received in a corresponding aperture (see Fig 1).

Re claim 17, wherein the first projection and the second projection are each beveled (see Fig 2).

6. Claims 16 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Bates et al (US 5,911,790).

Bates et al disclose a terminal connector assembly for a cable assembly comprising: a terminal connector comprising an elongate body (30) having an abutment end, a free end, and a longitudinal bore disposed therethrough (see Fig 2), a first arm (36) having a proximal end and a distal end and being unitary with and extending from the elongate body in a plane and having a first projection (34) protruding from a surface of the first arm (see Fig 3), and a second arm (36) having a proximal end and a distal end and being unitary with and extending from the elongate body in a plane and having a second projection (34) protruding from a surface of the second arm (see Fig 3), the first projection and the second projection each being configured to be received in a corresponding aperture (18); a swivel tube having an end and a cable receiving bore (see Fig 2), the end extending into the abutment end of the terminal connector (see Fig 2); a molded sleeve (12) extending at least partially into the free end of the terminal connector (see Fig 2); an isolator material (see Fig 2); and a cover mounted to the free

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end of the terminal connector and longitudinally capturing the molded sleeve and the isolator material to the terminal connector (see Fig 2).

Allowable Subject Matter

7. Claims 7-12, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6217. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Vicky A. Johnson 4/9/87
Primary Examiner
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